

**PLANNING STAFF MEMORANDUM**  
**FILE No. 2-UGB-12**

**I. Applicant:** City of Newport. (Initiated pursuant to authorization of the Newport Planning Commission).

**II. Request:** Application to expand the Newport Urban Growth Boundary by approximately 353 acres to include the City of Newport's domestic water storage reservoirs, along with the associated access road and water infrastructure (including a portion of the City's water treatment plant). The additional acreage also includes land for a regional park with a looped trail round the reservoirs. The land will be placed under a "Public" Comprehensive Plan designation with a "P-1/Public Structures" zoning designation.

**III. Planning Commission Review and Recommendation:** The Planning Commission will review the proposed amendments and provide a recommendation to the City Council. At a later date, the City Council will hold an additional public hearing prior to any decision on the amendments.

**Staff suggests that the Commission use this hearing as an opportunity to ask questions about the proposal and draft findings and to take public testimony. The hearing could then be continued to March 25, 2013, at which time a more refined set of findings and draft ordinance could be presented for consideration and recommendation to the City Council.**

**IV. Findings Required:** Required findings are contained in the "Urbanization" element of the Newport Comprehensive Plan (pages 273 - 284), as amended by Ordinance No. 2049, effective March 21, 2013. Additional findings are listed under the "Administration of the Plan" element of the Comprehensive Plan (pages 285 - 292). Key findings are summarized as follows:

- A. **Land Need:** Establishment and change of urban growth boundaries shall be based on the following:
  - 1. Demonstrated need to accommodate long-range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and
  - 2. Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets, and roads, schools, parks and open space, or any combination of the need categories in this subsection.
- B. **Boundary Location:** The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:
  - 1. Efficient accommodation of identified land needs;
  - 2. Orderly and economic provision of public facilities and services;
  - 3. Comparative environmental, energy, economic, and social consequences; and
  - 4. Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.
- C. Compliance with applicable Statewide Planning Goals, unless an exception is taken to a particular goal requirement.

These findings are addressed in Attachment "D" to this report.

## **V. Planning Staff Memorandum Attachments:**

- Attachment "A" - Ordinance No. 2049, with Exhibits A and B (required findings)
- Attachment "B" - Letter from Patrick Wingard, DLCD, dated February 8, 2013
- Attachment "C" – City of Newport response to DLCD letter, dated February 19, 2013
- Attachment "D" Draft findings in support of the UGB expansion, dated February 21, 2013
- Attachment "E" Notice of public hearing
- Attachment "F" 11"x17" color copy of the UGB expansion area

**VI. Notification:** Notification for the proposed amendments included notification to the Department of Land Conservation & Development (DLCD) in accordance with the DLCD requirements on January 18, 2013. Notice of the Planning Commission hearing was published in the Newport News-Times on February 13, 2013 (Attachment "E").

**VII. Comments:** As of February 20, 2013, the only written comments received were from DLCD. A copy of their letter is enclosed (Attachment "B") along with the City's response (Attachment "C").

**VIII. Discussion of Request:** The City of Newport is considering an Urban Growth Boundary (UGB) amendment and subsequent annexation to include all of the City's water treatment plant (which is only partially within the city limits) and the City water storage reservoirs for domestic water supply. In general terms, the rationale underlying the proposed UGB expansion is twofold:

1. To include the City's water storage and treatment facilities in the UGB. The City may be forced to reconstruct one or both of the water storage reservoirs in the coming years to address structural deficiencies. The reconstruction would include new water intake facilities, distribution lines, pumping stations, and a radio transmission tower for the municipal water metering system.
2. To include a regional city park in the UGB. The subject property is well-suited for use as a public park and is identified in the City's adopted *Parks Master Plan* and the Parks Element of the City *Comprehensive Plan* as a site for a regional park.

It is also a goal of the City to establish at least a 1000' foot buffer around the reservoirs for water quality purposes consistent with a "Surface Water Evaluation" report prepared by the Oregon Department of Environmental Quality/Oregon Health Department. This goal will be accomplished through non-regulatory strategies including land acquisition and other voluntary measures.

Under the Oregon land use system, the justification for a UGB amendment is a two-step process: (1) demonstrate land need; and (2) analyze potential boundary locations. Local governments must address both parts in the UGB application and associated findings. Moreover, the City must address applicable City and County criteria.

The proposal includes an amendment to the *Newport Comprehensive Plan Map* and the Lincoln County *Comprehensive Plan Map*, which amends the Newport UGB, expanding it by approximately 353 acres. The proposed boundary expansion includes (1) all of the City's water treatment plant (which is currently only partially within the city limits), the City water storage reservoirs for domestic water supply, and the access road to the reservoirs in a manner that allows a concise legal description and minimizes impacts to privately held lands; and (2) approximately 75 acres for development of a regional City park.

In November 2012, the City initiated a separate process to make text amendments to the *Newport Comprehensive Plan*, which makes the Urbanization Element consistent with changes in Goal 14 adopted in 2006, and amendments to the public facilities element that recognizes the reservoir's structural deficiencies. Those amendments were adopted by the Newport City Council on February 19, 2013.

The draft findings (Attachment "D") justify the City's action in two ways: (1) the standard Goal 14 need/boundary location analysis; and (2) an exception to Goal 14 as allowed by OAR 660-024-0020(1)(a).

**IX. Conclusion and Recommendation:** The Planning Commission should review the proposed amendments and make a recommendation to the City Council. As this is a legislative process, the Commission may recommend changes to the amendments if the Commission chooses to do so. The City Council may also make changes to the proposal prior to adoption of a final decision.

---

Derrick I. Tokos AICP  
Community Development Director  
City of Newport

February 21, 2013